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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,704	06/01/2007	Maria Isabel Crespo Crespo	LABO-00302US 311815-2022	6572
58249	7590	01/03/2011	EXAMINER	
COOLEY LLP			RAO, DEEPAK R	
ATTN: Patent Group			ART UNIT	
Suite 1100			PAPER NUMBER	
777 - 6th Street, NW			1624	
WASHINGTON, DC 20001			MAIL DATE	
			DELIVERY MODE	
			01/03/2011	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/582,704

Applicant(s)

CRESPO CRESPO ET AL.

Examiner

Deepak Rao

Art Unit

1624

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6, 14, 16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 6, 16 and 18 is/are allowed.
- 6) ☒ Claim(s) 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20101203
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1, 6, 14, 16 and 18 are currently pending in this application.

Note: The listing of claims submitted with the Request for Continued Examination (RCE) filed does not include the complete number of claims that were present in the application. The original application as filed contained 34 claims, of which claims 9-13, 15, 17, 20-27 and 29-34 were canceled in the preliminary amendment filed June 1, 2007; claim 28 was canceled in the amendment filed June 7, 2010; and claims 2-5, 7-8 and 19 have been canceled in the instant amendment filed December 3, 2010. As per 37 CFR 1.121(c) (provided below for convenience), “each amendment document must include a complete listing all claims ever presented”. The instant amendment did not include the status of claims 20-34 which were previously canceled.

37 CFR 1.121 (c) Claims. Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. **Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application.** The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

(1) Claim listing. All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of “canceled” or “not entered” may be aggregated into one statement (e.g., Claims 1–5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

(2) When claim text with markings is required. All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of “currently amended,” and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining

the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of “currently amended,” or “withdrawn” if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as “withdrawn—currently amended.”

(3) When claim text in clean version is required. The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, i.e., without any markings in the presentation of text. The presentation of a clean version of any claim having the status of “original,” “withdrawn” or “previously presented” will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of “withdrawn” or “previously presented.” Any claim added by amendment must be indicated with the status of “new” and presented in clean version, i.e., without any underlining.

(4) When claim text shall not be presented; canceling a claim.

(i) No claim text shall be presented for any claim in the claim listing with the status of “canceled” or “not entered.”

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as “canceled” will constitute an instruction to cancel the claim.

(5) Reinstatement of previously canceled claim. A claim which was previously canceled may be reinstated only by adding the claim as a “new” claim with a new claim number.

Any subsequent amendment in this application must include status of all claims ever presented, including those canceled.

Withdrawn Rejections/Objections:

Applicant is notified that any outstanding rejection/objection that is not expressly maintained in this office action has been withdrawn or rendered moot in view of applicant’s amendments and/or remarks.

The following rejections are under new grounds:

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recites several species through out the claim for which there is insufficient antecedent basis for this limitation in claim 1 on which claim 14 is dependent. The claim contains several compounds wherein the substituent at the 2-position is other than the monocyclic heteroaryl groups provided in the definition of R¹ in claim 1, i.e., furyl, thienyl and pyrazolyl.

Particularly, see the following compounds, which have “2-pyridinyl”, listed in page 8, lines 13-24; and page 9, lines 1-7:

6-(2-Furyl)-2-pyridin-2-ylpyrimidin-4-amine;
N-[6-(2-Furyl)-2-pyridin-2-ylpyrimidin-4-yl]propanamide;
2-(3-Methylpyridin-2-yl)-6-(1H-pyrazol-1-yl)pyrimidin-4-amine;
N-{2-(3-methylpyridin-2-yl)-6-(1H-pyrazol-1-yl)pyrimidin-4-yl}propanamide;
6-(1H-Pyrazol-1-yl)-2-pyridin-3-ylpyrimidin-4-amine;
N-{6-(1H-Pyrazol-1-yl)-2-pyridin-3-ylpyrimidin-4-yl}acetamide;
N-{6-(1H-Pyrazol-1-yl)-2-pyridin-3-ylpyrimidin-4-yl}propanamide;
6-(3,5-Dimethyl-1H-pyrazol-1-yl)-2-pyridin-3-ylpyrimidin-4-amine;
N-{6-(3,5-Dimethyl-1H-pyrazol-1-yl)-2-pyridin-3-ylpyrimidin-4-yl}-acetamide;
N-{6-(3,5-Dimethyl-1H-pyrazol-1-yl)-2-pyridin-3-ylpyrimidin-4-yl}-propanamide;
N-{6-(3,5-Dimethyl-1H-pyrazol-1-yl)-2-pyridin-3-ylpyrimidin-4-yl}-3,3,3-trifluoropropanamide;
2-Pyridin-3-yl-6-(1H-1,2,4-triazol-1-yl)pyrimidin-4-amine;

3,3,3-Trifluoro-N-[2-pyridin-3-yl-6-(1*H*-1,2,4-triazol-1-yl)pyrimidin-4-yl]propanamide;
6-(2-Furyl)-2-pyridin-3-ylpyrimidin-4-ylamine;
N-[6-(2-Furyl)-2-pyridin-3-ylpyrimidin-4-yl]propanamide;
N-[6-(3,5-Dimethyl-1*H*-pyrazol-1-yl)-2-pyridin-4-ylpyrimidin-4-yl]propanamide;
6-(3,5-dimethyl-1*H*-pyrazol-1-yl)-2-pyridin-4-ylpyrimidin-4-amine;
6-(2-Furyl)-2-pyridin-4-ylpyrimidin-4-ylamine;
N-[6-(2-Furyl)-2-pyridin-4-ylpyrimidin-4-yl]propanamide;

Further, the following compounds listed in page 9, lines 8-10; and page 12, lines 14-16 and 20-24, have “2-(1,3-thiazolyl)”:

6-(2-Furyl)-2-(1,3-thiazol-2-yl)pyrimidin-4-amine;
N-[6-(2-Furyl)-2-(1,3-thiazol-2-yl)pyrimidin-4-yl]propanamide;
2-(4-Fluorophenyl)-N-[6-(2-furyl)-2-(1,3-thiazol-2-yl)pyrimidin-4-yl]acetamide;
2-(3,4-Dimethoxyphenyl)-N-[6-(2-furyl)-2-(1,3-thiazol-2-yl)pyrimidin-4-yl]acetamide;
6-(1*H*-Pyrazol-1-yl)-2-(1,3-thiazol-2-yl)pyrimidin-4-amine;
2-(3,4-Dimethoxyphenyl)-N-[6-(1*H*-pyrazol-1-yl)-2-(1,3-thiazol-2-yl)pyrimidin-4-yl]acetamide;
N-(Cyclopropylmethyl)-6-(2-furyl)-2-(1,3-thiazol-2-yl)pyrimidin-4-amine;
N-[2-(3,4-Dimethoxyphenyl)ethyl]-6-(2-furyl)-2-(1,3-thiazol-2-yl)-pyrimidin-4-amine;
6-(2-Furyl)-N-(2-pyridin-3-ylethyl)-2-(1,3-thiazol-2-yl)pyrimidin-4-amine;
6-(2-Furyl)-N-[(1*S**,2*R**)-2-phenylcyclopropyl]-2-(1,3-thiazol-2-yl)-pyrimidin-4-amine
(*relative trans configuration);

Deletion of the above compounds from claim 14 obviates the rejection.

Note:

(a) Applicant's cooperation is requested to thoroughly review all compounds listed in pages 4-13 and make certain they meet the antecedent basis in claim 1.

(b) The above deficiencies were not previously brought into applicant's attention and therefore, to provide applicant a fair chance to review all of the compounds in claim 14, including those listed above and make appropriate corrections, the deficiencies have been set forth in a written communication.

Allowable Subject Matter

Claims 1, 6, 16 and 18 are allowed. Claim 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Receipt is acknowledged of the Information Disclosure Statement filed on December 3, 2010 is acknowledged and a copy is enclosed herewith.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deepak Rao whose telephone number is (571) 272-0672. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson, can be reached at (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/Deepak Rao/
Primary Examiner
Art Unit 1624**

January 3, 2011